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| Filed | Received | Entered | Served On |
| Counsel/Parties of Record | | | |
| MAR 6 2024 | | | |
| Clerk US District Court District of Nevada | | | |
| By: | | Deputy | |

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEVADA

ERIN K. KELLEY, an individual
In her personal capacity,

PLAINTIFF,

vs.

EAGLE VALLEY CHILDREN'S HOME
DBA THE NEVADA CHILDREN'S
FOUNDATION, INC.

DEFENDANTS.

Case No.: 3:23-CV-00410-MMD-CLB

Dept. No.:

**MOTION FOR ORDER APPROVING
EXTENSION OF TIME TO COMPLETE
SERVICE OF PROCESS ON THE
BOARD MEMBERS OF EAGLE
VALLEY CHILDREN'S HOME
DBA THE NEVADA CHILDREN'S
FOUNDATION, INC.**

1ST REQUEST

INTRODUCTION

Plaintiff, Erin K. Kelley (Erin) proceeding in Proper Person, moves this Court for an order extending time to complete service of process on the board members of Eagle Valley Children's Home DBA as the Nevada Children's Foundation.

This Motion is made in good faith and not for the purpose of delay.

POINTS AND AUTHORITIES

Pursuant to LR IA 6-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME,
OR ORDER SHORTENING TIME

(a) A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted. A request made after the expiration of the specified period will not be granted unless the

1 movant or attorney demonstrates that the failure to file the motion before the deadline expired was the
2 result of excusable neglect.

3 **CASE FACTS**

4 On January 8, 2024, a U.S. Marshall attempted to serve the Summons and Complaint in
5 this case on Beverly J. Hennen, a non-commercial registered agent. Ms. Hennen is listed as
6 the resident agent for the Defendant in this case. The service of process Receipt and Return
7 states in remarks “[Beverly J. Hennen] no longer lives at listed address. Per the resident,
8 Douglas Young, Hennen moved to Tahoe, CA two and a half years ago.”
9

10 Accordingly, Erin requested an Order for Alternate Service and for an Extension of
11 Time to complete the service of process on the Defendants. The Motion was filed before the
12 service deadline.

13 On January 30, 2024, the Court approved alternate service on the corporate officers and
14 Directed the U.S. Marshall’s office to serve active board members Director John E. Dooley III,
15 Director Julie Sawyer and Director Tracy L. Fisher, Jr at their respective addresses of record on
16 file with the Nevada Secretary of State’s Office. Although the extension of time for service of
17 process was not granted the Order stated, “If Kelley requires additional time to meet any of the
18 deadlines set by the Court, she must file a motion for extension of time ...that is supported by a
19 showing of good cause.”
20


21 The U.S. Marshall’s office was unable to serve the three defendants by the February 15,
22 2024, deadline. Initially noted is that Erin did not receive the three USM-285 forms that were
23 to be mailed by the Court. On February 7, 2024, she printed out the forms, completed them and
24 sent them to the U.S. Marshall’s Office. On February 14, 2024, she contacted the U.S
25 Marshalls Office and discovered they had not yet been received. The office further informed
26 that as the defendants be served lived in Wellington, Reno and Carson City, respectively they
27
28

1 would be unable to serve all three defendants by February 15, 2024. Erin made a good faith
2 effort to effect service in a timely manner and good cause exists to grant this motion.

3 **CONCLUSION**

4 Plaintiff respectfully request an extension of time for the U.S. Marshalls Office to serve
5 the defendants. The three USM-285 forms have already been submitted to the U.S. Marshalls
6 Office as directed who are waiting for an Order extending service of process.
7

8 Respectfully Submitted,

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10 

11 ERIN K. KELLEY
12 Plaintiff in Proper Person
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14

15 **ORDER**

16
17 The extension is granted and service shall be completed within 45 days of this order.
18 IT IS SO ORDERED:

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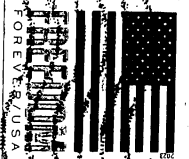
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21 UNITED STATES MAGISTRATE JUDGE

22 DATED: March 8, 2024.
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CARSON CITY, NV 89703

RENO NV 895

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U.S. DISTRICT COURT
DISTRICT OF NEVADA - CLERKS OFFICE
400 South Virginia Street
Reno, Nevada, 89501

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